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13 Attorneys for Defendants
14 MARK GARIBALDI and THE GARIBALDI COMPANY

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 EDITH MACIAS, individually and on
18 behalf of similarly situated individuals;
19 HOTON DURAN; TIFFANY HUYNH;
20 AURA MENDIETA; WILLIAM
21 LABOY; MIGUEL ACOSTA; CRUZ
22 ACOSTA; CUAUHTEMOC TORAL,
23 TERESA VILLEGAS, KAPIKA
24 SALAMBUE and MARINA DURAN,

25 Plaintiffs,

26 vs.

27 THOMAS J. TOMANEK; and MARK
28 GARIBALDI, individually and doing
business as THE GARIBALDI
COMPANY,

Defendants.

CASE NO. C07 3437 JSW

**SUPPLEMENTAL
DECLARATION OF JOHN S.
BLACKMAN IN SUPPORT OF
DEFENDANT THE GARIBALDI
COMPANY'S REPLY TO PLAINTIFF'S
OPPOSITION TO MOTION RE
ATTORNEY'S FEES**

DATE: March 4, 2008
TIME: 9:00 A.M.
COURTROOM: E, 15th Floor, S.F.
JUDGE: Hon. Elizabeth D. Laporte

Date Action Filed: June 29, 2007

I, John S. Blackman, declare under penalty of perjury under the laws of the State of California as follows:

1. I am an attorney at law, duly licensed to practice before all the courts of this state, and am a shareholder of Farbstein & Blackman, A Professional Corporation, one of

1 the attorneys of record for defendant THE GARIBALDI COMPANY (hereinafter
2 referred to as "GARIBALDI"). The following facts are within my personal knowledge
3 and, if sworn to testify, I would testify competently thereto.

4 2. My initial declaration in this case covers time spent through December 31,
5 2007. This declaration addresses the attorney's fees my client has incurred in connection
6 with this case from January 1, 2008 through the time of hearing of the instant motion for
7 attorney's fees.

8 3. The attorney's fees incurred by The Garibaldi Company in the defense of this
9 action from January 1, 2008 through January 31, 2008, are \$6,512.00, as reflected on Ex.
10 "'A" attached hereto, which is a complete and correct copy of my billing statement for
11 work done in the month of February.

12 4. The unbilled but incurred time for February, through the date of this
13 declaration, is 7.1 hours, which at my hourly rate for this case of \$185 an hour equals
14 \$1,313.50.

15 5. I estimate that the time I will spend to prepare for, travel to and attend the
16 hearing on this motion will be another 4 hours. That means my client will incur another
17 \$740.00 in connection with this attorney's fees motion.

18 6. The total amount of attorney's fees and costs claimed on behalf of Defendant
19 The Garibaldi Company in the motion already on file with the court are \$58,028.87. The
20 total amount of attorney's fees and costs proved in this declaration is \$8,565.50. Thus the
21 total amount of fees and costs claimed by Defendant The Garibaldi Company in this action
22 is \$66,594.37.

23 7. In response to a comment made in plaintiffs' opposition papers, all paralegals
24 who have worked on this file for Farbstein & Blackman, and whose time is included in this
25 fee application, are certified paralegals.

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1 Executed this 19th day of February, 2008, at San Mateo, California.

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6 JOHN S. BLACKMAN
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PROOF OF SERVICE

Macias v. Tomanek, , Mark Garibaldi, The Garibaldi Company
 USDC, Northern California, Case No. C 07-3437 JSW

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is 411 Borel Avenue, Suite 425, San Mateo, California 94402-3518. My electronic notification address is stf@farbstein.com. On February 19, 2008, I served the following document(s):

**SUPPLEMENTAL DECLARATION OF JOHN S. BLACKMAN IN SUPPORT OF
 DEFENDANT GARIBALDI'S REPLY TO PLAINTIFFS' OPPOSITION TO
 MOTION FOR ATTORNEY'S FEES**

on the following person(s) by the method(s) indicated below:

Elizabeth Noonan Brancart, Esq. Christopher A. Brancart, Esq. Brancart & Brancart P. O. Box 686 Pescadero, CA 94060	Attorneys for plaintiffs Tel: 650-879-0141 Fax: 650-879-1103 email: cbrancart@brancart.com ebrancart@brancart.com
Sara B. Allman, Esq. Allman & Nielsen 100 Larkspur Lndg Cir #212 Larkspur, CA 94939	Attorneys for defendant Thomas J. Tomanek Tel: 415-461-2700 Fax: 1-415-461-2726 all-niel@pacbell.net
Carl D. Ciochon, Esq. Wendel Rosen Black & Dean, LLP P. O. Box 2047 Oakland, CA 94604-2047	Co-counsel for defendant Mark Garibaldi dba The Garibaldi Company Tel: (510) 834-6600 Fax: 1-510-834-1928 email: cciochon@wendel.com

☐ by transmitting via facsimile on this date from fax number (650) 554-6240 the document(s) listed above to the fax number(s) set forth herein. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report is attached to this proof of service. Service by fax was made by agreement of the parties confirmed in writing.

☒ by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, for deposit in the United States mail at San Mateo, California addressed as set forth herein. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid in the ordinary course of business.

☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth herein. Signed proof of service by the process server or delivery service is attached to this proof of service.

1 [] by personally delivering the document(s) listed above to the person(s) at the
2 address(es) set forth herein.

3 [] by placing the document(s) listed above in a sealed envelope(s) and consigning it to an
4 express mail service for guaranteed delivery on the next business day following the date
of consignment to the address(es) set forth herein. A copy of the consignment slip is
attached to this proof of service.

5 [X] by transmitting the document(s) listed above via the Court's ECF system to the persons
6 at the email address(es) set forth herein. The transmission was completed before 5:00
p.m. and was reported complete and without error.

7 I declare under penalty of perjury under the laws of the United States and the State of
8 California that the above is true and correct. Executed at San Mateo, California, on February
19, 2008.

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10 SUZANNE T. FARBSTEN
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